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ORDINANCE NO. 3742

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF THE EDMONDS COMMUNITY DEVELOPMENT CODE CHAPTER 17.70 TEMPORARY USES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, temporary structures in excess of 120 feet of floor space are limited and regulated by the International Building Code but not addressed by the temporary use provisions of Chapter 17.70; and

WHEREAS, the City Council deems it to be in the public interest to address the issue of cargo and other temporary storage containers, and

WHEREAS, the existing temporary conditional use permit process may result in costs in excess of the storage container or security unit to be utilized; and

WHEREAS, these issues were considered at public hearings before the Edmonds Planning Board resulting in a recommendation for adoption of certain provisions as contained here in this ordinance; and

WHEREAS, the City Council Community Services and Development Services Committee have reviewed the recommendations; and

WHEREAS, the City Council held a public hearing on this matter on March 3, 2009; and

WHEREAS, the City Council deems it to be in the public interest to amend Chapter 17.70 regarding temporary uses in order to extend the time in which temporary uses may

be maintained, create an administrative, less expensive process to consider such uses, clarify the definitions and application of temporary use provisions to storage units, tents, canopies and other temporary structures, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1.

**Chapter 17.70
TEMPORARY USES**

Sections:

- 17.70.000 Security units.**
- 17.70.005 Project sales offices/sales models.**
- 17.70.010 Other temporary buildings.**
- 17.70.020 Temporary parking lots.**
- 17.70.030 Temporary municipal office uses.**
- 17.70.035 Temporary storage units.**
- 17.70.040 Bistro and outdoor dining.**

17.70.000 Security units.

A. Definition. A security unit is a building, mobile home, trailer, or vehicle used temporarily in connection with providing security during construction of a structure or building for which a valid building permit has been issued.

B. Conditions. A security unit is permitted in all zones under the following conditions:

1. All sanitation facilities and safety measures shall be approved in advance by the building official, health official and other appropriate city officials.
2. Unless earlier directed by the building official pursuant to subsection (B)(3) of this section, security units in the following zones shall be removed after the following time periods:
 - a. In an RS zone, one year;
 - b. All other zones, one year, with a one-year extension if the community development director finds that the project is large

enough to require the longer period, disregarding any self-imposed delay.

3. The building official may order the removal of a security unit if any of the following situations occur:

- a. The building permit expires or is cancelled.
- b. The building official issues an occupancy permit.
- c. The building official determines that the security structure is no longer needed to provide protection against theft or vandalism.

17.70.005 Project sales offices/sales models.

A. Definition. A project sales office or sales model is space within an otherwise permitted building used temporarily to support the sale of multifamily or condominium units.

B. Conditions. A project sales office or sales model is only permitted to occur on the property containing the project or unit(s) being offered for sale. The sales office or sales model shall be discontinued and removed prior to occupancy of the last unit available for sale on the property.

C. The granting of a permit for a sales office or sales model shall be reviewed and processed in accordance with the requirements of ECDC 20.95.040, Staff decision – No notice required.

17.70.010 Other temporary buildings.

Except as provided below in ECDC 17.70.030, a conditional use permit shall be required to construct a temporary building in any zone. The permit shall be administratively reviewed by staff and shall be valid for a period of one year; provided however, that said permit may be extended by the *development* services director for a single one-year extension upon submittal of a written application prior to the expiration of the original permit. All the requirements of the zoning district shall be met. An appeal of the staff decision granting or denying such a permit or extension shall be reviewed by the hearing examiner in accordance with the requirements for any other conditional use permit under ECDC 20.100.010, with the decision being appealable to the city council under the procedures applicable to any other conditional use permit.

17.70.020 Temporary parking lots.

See ECDC 17.50.090, which by this reference is incorporated herein as if set forth in full.

17.70.030 Temporary municipal office uses.

The city council may, at its sole discretion, approve the installation of a temporary building or mobile office structure to house municipal office and related storage in conjunction with or in anticipation of the construction or remodeling of a municipal facility. Such structure shall be exempt from any other requirements of the zoning code and the decision of the city council shall be final. The city staff is hereby directed to provide for reasonable landscaping and screening of such structure and sufficient drawings and site plans to adequately inform the council of the nature and proposed use of the structure, its design and the anticipated length of time which the structure will be in use. In no event shall the use of such a temporary structure exceed three years without the specific authorization of the city council.

17.70.035 Temporary storage units

Defined:

A. "Canopy" means a structure, enclosure or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and is open without sidewalls or drops on 75 percent or more of the perimeter.

B. "Cargo or shipping Container" means a standardized, container designed without an axle or wheels, which was originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities.

C. "Tent" means a structure, enclosure or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents that it protects.

Cargo or shipping containers. No person shall place or cause to be placed any cargo or shipping container, regardless of structural modifications, on any area or any property in a residentially zoned district that is not subject to the design review process. Property or projects subject to the design review process may apply for this use per ECDC 20.10.010. Administrative waivers shall not apply.

The temporary placement of a portable storage container on a residentially zoned lot for the purpose of loading and unloading household contents shall be permitted for a period of time not exceeding thirty (30) days in a calendar year.

Tents, tarps and canopy structures which use plastic sheeting, canvas, or other similar pliable materials to cover storage areas, and/or to be used as carports are regulated in residential zones:

A. Tents or canopies with a floor area measured to the exterior wall or post exceeding 200 square feet are prohibited, except for those used for limited time period for a special event such as a party or wedding not to exceed twenty-four (24) hours.

B. Tents and canopies shall comply with setback and height requirements for accessory structures for the zone. Lot coverage requirements also apply.

If a tent or canopy is located within 6 feet of another tent(s) or canopy(s) or attached in any way, they shall be considered as one (1) tent or canopy and shall be subject to the provisions of J.3.a and J.3.b for combined floor area and location.

D. Temporary storage units do not require a conditional use permit.

17.70.040 Bistro and outdoor dining.

A properly zoned and licensed food or beverage service establishment may temporarily utilize public sidewalks in right-of-way areas immediately adjacent to its establishment. The area authorized for use shall be that area of the immediately adjacent public right-of-way and/or outdoor areas under the lease or ownership of the applicant lying between the applicant's property and the public right-of-way. The area authorized for such use shall not extend beyond the street frontage of the business lessee or property owner. Any building or structure as such terms are defined pursuant to the building code adopted by Chapter 19.00 ECDC shall fully comply with all provisions of the community development code, including, but not limited to, review and approval by the architectural design board.

Section 2. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect

five (5) days after passage and publication of an approved summary thereof consisting of the title.


APPROVED:


MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	06/12/2009
PASSED BY THE CITY COUNCIL:	06/16/2009
PUBLISHED:	06/25/2009
EFFECTIVE DATE:	06/30/2009
ORDINANCE NO. <u>3742</u>	

SUMMARY OF ORDINANCE NO. 3742

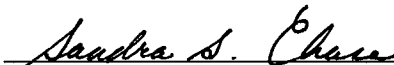
of the City of Edmonds, Washington

On the 16th day of June, 2009, the City Council of the City of Edmonds, passed Ordinance No. 3742. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF THE EDMONDS COMMUNITY DEVELOPMENT CODE CHAPTER 17.70 TEMPORARY USES, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 17th day of June, 2009.


CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



SUMMARY OF ORDINANCE NO. 3742 of the City of Edmonds, Washington

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The full text of this Ordinance will be mailed upon request.
DATED this 17th day of June, 2009.

Published: June 25, 2009. CITY CLERK, SANDRA S. CHASE

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance NO. 3742

Amending Provisions of the Edmonds Community Development Code

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

June 25, 2009

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Snohl

Principal Clerk

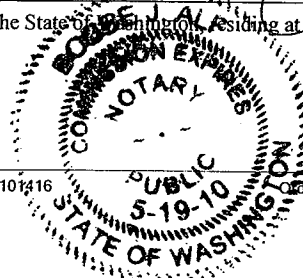
Subscribed and sworn to before me this

25th

day of June, 2009

[Signature]

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.



RECEIVED

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EDMONDS CITY CLERK

Account Name: City of Edmonds

Account Number: 101416

Order Number: 0001655058